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**Response Under 37 C.F.R. § 1.116**  
**Expedited Procedure**  
**Examining Group 2871**

**PATENT**  
**ATTORNEY DOCKET NO.: 049128-5755**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

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Goro NAKATANI et al.

)

Confirmation No.: 4701

Application No.: 10/043,276

)

Group Art Unit: 2811

Filed: January 14, 2003

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Examiner: Junghwa M. Im

For: SEMICONDUCTOR DEVICE AND  
METHOD FOR MANUFACTURING  
THE SAME

)  
)  
)

U.S. Patent and Trademark Office  
Customer Window, Mail Stop AF  
Randolph Building  
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE BOARD OF**  
**PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 11, 2005, finally rejecting claims 1, 3 and 8-13.

09/12/2005 SZEWDIE1 00000048 500310 10043276

01 FC:1401 500.00 DA  
02 FC:1253 1020.00 DA

## 1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Please charge Deposit Account No. 50-0310 in the amount of **\$1,020.00** for the three-month extension of time fee.

If an additional extension of time is required, please consider this a Petition therefor.

## 2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)(1)

The Commissioner is authorized to charge the appeal fee of **\$500.00** to Deposit Account No. 50-0310.

## 3. Fee Payment

The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$1,520.00** for the Notice of Appeal fee and the three-month extension of time fee.

4. Constructive Petition

**Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. §1.136(a)(3).**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



By:

Robert J. Goodell

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Dated: September 9, 2005

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